

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Wireless Telecommunications Bureau Requests)	WT Docket No. 99-217
Comment on Current State of the Market)	
For Local and Advanced Telecommunications)	
Services in Multi-Tenant Environments)	

COMMENTS OF VOICESTREAM WIRELESS CORPORATION

VoiceStream Wireless Corporation (“VoiceStream”) respectfully submits these Comments in response to the Wireless Telecommunications Bureau’s solicitation of information on the state of the market for local and advanced telecommunications services in multiple tenant environments (“MTEs”).¹ VoiceStream applauds the Commission’s effort to update the record and assess the effects of regulatory and market changes that have taken place since the release of the *Further Notice* in this proceeding on October 25, 2000.² The telecommunications industry constitutes one of the most rapidly evolving markets in the U.S. economy. Seeking fresh information to update the almost 18-month-old record will doubtless result in better Commission understanding of the current dynamics and direction of the MTE market. This understanding will allow the Commission to more accurately gauge the degree to which federal regulatory oversight of the MTE

¹ Wireless Telecommunications Bureau Requests Comment on Current State of the Market for Local and Advanced Telecommunications Services in Multitenant Environments, Public Notice, DA 01-2751 (November 30, 2001); Public Notice extending comment deadline to March 8, 2002, DA 02-67 (January 16, 2002).

market may need to be strengthened in order to enhance competitive markets and the public interest.

While the focus of the *First Report and Order and Further Notice of Proposed Rule Making* in this proceeding was on the provision of wireline and fixed wireless service to the MTE market, VoiceStream notes that, for the mobile wireless industry, access to the rooftop as well as interior spaces of MTEs is an essential and basic element of providing mobile wireless service.³ Accordingly, MTE access, in certain key locations, rises to the level of being an “essential facility” for the provision of Commercial Mobile Radio Services (CMRS).⁴ Indeed, full implementation of E-911 service cannot be accomplished in a truly meaningful manner for wireless subscribers absent comprehensive access to those key MTEs. Likewise, the comprehensive provision of Priority Access Service (PAS), also known as Wireless Priority Service (WPS), by CMRS licensees to federal, state and local agencies and public safety authorities is vitally dependent upon

² Promotion of Competitive Networks in Local Telecommunications Markets, *First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217*, FCC 00-366, released October 25, 2000.

³ While many are familiar with the need for roof access for the siting and placement of transmit/receive antennas to provide geographic coverage, access to the interior spaces of buildings (including ceilings and elevator shafts) is needed to deliver telephony and power cabling to roof-top equipment and to provide consistent coverage of the in-building environment through the use of microcells and other devices.

⁴ VoiceStream notes that it filed, on March 14, 2001, an Opposition to the Petition for Reconsideration filed by Verizon Wireless against the First Report and Order in this docket. Verizon Wireless had asked the Commission to exclude CMRS licensees from the scope of Rule 64.2500 – the “no exclusive contracts” rule. In its Opposition, VoiceStream strongly urged the Commission to reject this attempt to have a “carve out” to permit exclusive contracts with owners of commercial MTEs that would preclude the owners from considering access arrangements with other CMRS carriers. VoiceStream notes that it has been almost exactly one year since the filing of its Opposition and that the Commission has still not issued an order or memorandum on the merits of the matter. VoiceStream believes any comprehensive examination of the MTE market must also include an evaluation of Verizon Wireless’s reconsideration and VoiceStream’s opposition thereto.

MTE access. Access to MTEs unimpeded by exclusivity agreements will significantly enhance the scope and utility of E-911 and PAS.⁵

Further, looking to the relatively near-term future, when high-speed broadband service may be provided to mobile subscribers over CMRS networks, it becomes ever more important that access to these essential MTE facilities be available. In this manner, consumers living inside or near MTEs will be able to avail themselves of various competitive wireless options for broadband access to the Internet.

VoiceStream applauds the launch of a “refresh” of this important proceeding. MTEs rise to being an essential facility for CMRS licensees – crucial to the deployment of not only basic mobile wireless service, but also E-911, PAS and broadband service as well.

Respectfully submitted

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⁵ With several wireless standards (analog, TDMA, CDMA, iDEN, GSM) in the hands of users, all of these customers need to access emergency numbers in times of need. As a matter of sound public policy, there should not be whole classes of users that are denied access to emergency numbers because their service provider was excluded from an essential facility just because another service provider secured geographic exclusivity.

CERTIFICATE OF SERVICE

I, Harold Salters, hereby certify on that on this 8th day of March 2002, I served a copy of the foregoing VoiceStream Wireless Comments by overnight delivery service to the following persons:

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